

# Accusations Over Electronic Spying Place FBI in Awkward Position

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The FBI is in an awkward position over assertions that it has illegally used electronic eavesdropping devices.

It was done in Las Vegas, it almost certainly happened in Kansas City, Mo., and it may have occurred elsewhere, including Los Angeles and Miami.

In Las Vegas, after leasing lines from the telephone company under a dummy name, the FBI planted—or caused to be planted—highly sensitive electronic bugs in the offices of hotel owners and gambling casino operators.

In at least one instance, it has been alleged, the apartment of a hotel partner was bugged.

Efforts to obtain explanations from the FBI and the Justice Department, which has jurisdiction over the Bureau, have proven futile. There were no denials, just no comments.

The FBI clearly is embarrassed. President Johnson, it was learned, has taken a personal interest and has discussed the subject with top aides.

Justice Department officials are particularly concerned

that the disclosures of electronic eavesdropping by the FBI may compromise important gambling and racket cases now under investigation.

They are concerned about being confronted with court challenges on the issue of using tainted evidence—evidence obtained in violation of the 4th Amendment guarantee against illegal search.

The challenges are certain to come, despite the best efforts of Government lawyers to make sure that contaminated evidence does not seep into grand jury rooms.

Bugging may become a factor if indictments result from an investigation of the Bobby Baker case by a Federal grand jury here.

Both Baker, former secretary to Senate Democrats, and Edward J. Levinson, a prominent figure in the Las Vegas hotel and gambling industries, raised the bugging issue when they appeared before the Senate Rules Committee in February, 1964.

Baker and Levinson were associated in various business deals and both refused to testify, invoking the Fifth Amendment's protection against possible self-incrimination.

Both also claimed that their right to privacy of communication was unlawfully invaded by, as Baker put it, "agents of Government."

The charge drew scant attention and some skepticism. But it now appears that Levinson was telling the truth when he said that a listening device was planted in his office at the Fremont Hotel in 1963 by "agents of the Executive Branch of the Government, acting in concert with the Central Telephone Co. of Nevada."

It also is a distinct possibility that at least the Levinson portions of telephone conversations he had with Baker from the Fremont Hotel office during the bugged period were monitored by the FBI.

The FBI eavesdropping in Las Vegas and elsewhere appears to have occurred between 1961 and 1965.

The strong indication is that Attorney General Nicholas deR. Katzenbach and his predecessor, Robert F. Kennedy, were unaware of the FBI bugging in these so-called organized crime cases.

The full story is not known, but bits and pieces have surfaced in a variety of ways.